# REMARKS

Claims 1-6, 9-16, 30 and 47-57 are pending in the application. By this Amendment, claims 1, 3-6, 9, 12, 14, 30, 50 and 54-57 have been amended.

## Claim Objections:

Claims 15 and 16 are objected to in item 3 of the Action as being in improper form due to the Examiner's assertion that claims 15 and 16 are multiple dependent claims and they may not depend from another multiple dependent claim. In view of this objection, claims 15 and 16 were not treated on their merits.

Applicant submits that the Examiner's position is incorrect, since claim 15 depends from claims 5, 6, 9, 10, 11, 47 and 48, none of which is a multiple dependent claim. In addition, claim 16 only depends from claim 15. Therefore, claim 16 is clearly not a multiple dependent claim.

Therefore, Applicant respectfully requests that the Examiner withdraw this objection and properly treat claims 15 and 16 on their respective merits.

## Claim Rejection – 35 U.S.C. §101:

Claims 30 and 54-57 stand rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Claims 30 and 54-57 have been amended in order to overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

**Claim Rejection – 35 U.S.C. §112, Second Paragraph:**

Claims 1-6, 9-14, 30, 50 and 55-57 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

With regard to claims 1, 3-6, 9, 12 and 13, the Examiner indicates that the word "type" in the claim phrase "variable type identifier" is unclear. Therefore, claims 1, 3-6, 9, 12 and 13 are amended herein such that the word "type" is deleted from this phrase.

With regard to claims 2 and 9, the Examiner asserts that the claim phrase "causing such a different person identical identifier transmission phenomenon that identical identifiers are transmitted" is confusing because the word "different" is the opposite of the word "identical."

However, Applicant submit that the phrase "a different person identical identifier transmission phenomenon" is defined on the top paragraph on page 162 of the present specification, which indicates that the personal users moving through relatively identical places exchange pseudo RFIDs and store the same as mutual common pseudo RFIDs so that the common pseudo RFIDs can be transmitted when receiving an RFID transmission request, whereby the aforementioned different person identical identifier transmission phenomenon can be caused between the personal users moving through the relatively identical places for

effectively disturbing a malicious privacy invader.   As such, Applicant submits that the Examiner's position with regard to claims 2 and 9 lacks merit.

However, claim 9 has been amended to correct the antecedent basis for "said variable type identifier generation unit" as noted by the Examiner on page 3 of the Action.   In addition, claims 12 has been amended to correct the antecedent basis for "said variable type identifier generation unit" in line 6, as pointed out by the Examiner.

Claims 30 and 50 have been amended so that such claims provide proper antecedent basis for the term "said privacy protection identified transmitter of the stranger" in line 6 of claim 30 and line 4 of claim 50.

Accordingly, withdrawal of this rejection is respectfully requested.

**As To The Merits:**

As to the merits of this case, the Examiner sets forth the following rejections:

claims 1, 5, 6 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Weis (Security and Privacy in Radio-Frequency Identification Devices) in combination with and Saliga (US 5,673,034);

claims 2-4, 9, 10, 30, 47-51, 54 and 55 are rejected under 35 U.S.C. §103(a) as being

unpatentable over Weis (Security and Privacy in Radio-Frequency Identification Devices) in

combination with and Wooley (US 5,959,568);

claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Weis (Security

and Privacy in Radio-Frequency Identification Devices) and Woolley (US 5,959,568) as applied

above and further in view of Juels (US 20040222878); and

claims 12, 13, 52, 53, 56 and 57 are rejected under 35 U.S.C. §103(a) as being

unpatentable over Weiss (Security and Privacy in Radio-Frequency Identification Devices),

Woolley (US 5,959,568) and Juels (US 20040222878) as applied above and further in view of

Pohja (US 7,373,109).


Each of these rejections is respectfully traversed.


## Independent Claims 1 and 5:

With regard to independent claims 1 and 5, the Examiner essentially relies on the Weis

reference for teaching all of the features except for the last feature regarding *said transmission*

*step transmits the same identifier as a precedently transmitted identifier when receiving*

*an identifier transmission request again within a prescribed time from precedent*

*identifier transmission.*

The Examiner acknowledges that Weis fails to teach the last feature of claims 1 and 5 regarding "said transmission step transmits the same identifier as a precedently transmitted identifier when receiving an identifier transmission request again within a prescribed time from precedent identifier transmission."

That is, for example as shown in Fig. 11 of the present application, if 5 second have not elapsed from the precedent RFID transmission in step SA2, then transmission of the same one of the precedent transmission RFID is sent in SA10.

With regard to this feature, the Examiner relies on the disclosure in the secondary reference of Saliga. More specifically, the Examiner relies on the disclosure in the Abstract and in col. 6, line 63 through col. 7, line 41 of Saliga. However, the Examiner is mis-construing the teaching of the Saliga reference, since Saliga merely discloses that a plurality of code segments is constructed so that each code segment is valid for only a sub-inteval of the subscription period. Please see col. 7, lines 15-20. That is, Saliga only discloses that code segments are valid for predetermined intervals and fails to disclose the retransmission of a code segment if it is determined that a predetermined time has not elapsed from a previous transmission of the code segment, as required by claims 1 and 5.

Applicant submits that the Examiner's reliance on Saliga reference fails to cure the above-noted deficiencies of the Weis reference with regard to independent claims 1 and 5.

Accordingly, it is submitted that the combination of Weis and Saliga fail to disclose or remotely suggest the features of claims 1 and 5 concerning *said transmission step transmits the same identifier as a precedently transmitted identifier when receiving an identifier transmission request again within a prescribed time from precedent identifier transmission.*

## Independent Claims 2, 47, 48, 49 and 54:

Independent claim 2 calls for *said identifier generation step includes an adjusted identifier generation step for generating an adjusted identifier so adjusted that an identifier transmitted from said personal user possessing said privacy protection identifier transmitter is identical to an identifier transmitted from a stranger in response to the identifier transmission request, for causing such a different person identical identifier transmission phenomenon that identical identifiers are transmitted even in case of transmission from different persons.* Independent claims 47, 48, 49 and 54 include similar features.

For example, as discussed on page 162 of the present specification, personal users moving through relatively identical places exchange pseudo RFIDs and store the same as mutual common pseudo RFIDs so that the common pseudo RFIDs can be transmitted when receiving an RFID transmission request, whereby the aforementioned different person identical identifier transmission phenomenon can be caused between the personal users moving through the relatively identical places for effectively disturbing a malicious privacy invader.

With regard to these claims, the Examiner acknowledges that the primary reference of

"Weis does not expressly disclose an identifier so adjusted that an identifier transmitted from

said personal user possessing said privacy protection identifier transmitter is identical to an

identifier transmitted from a stranger in response to the identifier transmission request, for

causing such a different person identical identifier transmission phenomenon that identical

identifiers are transmitted even in case of transmission from different persons."

The Examiner takes the position that the secondary reference of Woodley cures the

above-noted drawbacks and deficiencies of Weis, since Woolley discloses an analogous art tag

method and system where tags share ID information with neighboring tags so that the ID

information may be communicated beyond the range of a single tab.  See col. 12 lines 9-17, cols.

30 and 34.

However, the Examiner is mischaracterizing the teaching of the Woolley reference, since

Woolley discloses in col. 2, lines 2-10:

> **Each tag stores a unique identification for the object**, a description of the
> object, the object's shipper and destination and a signature of each possessor of
> the object.  The signatures stored by the tag are forwarded to the electronic
> device when the tag reaches the limit of its memory capacity or when the
> object to which the tag is attached reaches the end of its monitoring period.
> The signatures are then deleted from the tag memory.  (Emphasis added).

In addition, Woolley discloses at col. 13, line 40-51:

> The selected tag communicates only with tags in a network at an adjacent level of the hierarchy. The tag in the adjacent level acts as a repeater, relaying the selected tag's message to another level of the hierarchy. The selected tag thus does not perform the longer range communications necessary to communicate directly with a network removed by several levels.

Accordingly, in Woodley, identical identifiers are never transmitted from two different tags, since **each tag stores a unique identification for the object.** As such, Woolley also fails to disclose the above-noted features of claim 2.

Accordingly, it is submitted that the Examiner has failed to establish a *prima facie* case of obviousness with regard to claim 2, since the combination of Weis and Woolley fail to disclose or remotely suggest the features of independent claim 2 concerning *said identifier generation step includes an adjusted identifier generation step for generating an adjusted identifier so adjusted that an identifier transmitted from said personal user possessing said privacy protection identifier transmitter is identical to an identifier transmitted from a stranger in response to the identifier transmission request, for causing such a different person identical identifier transmission phenomenon that identical identifiers are transmitted even in case of transmission from different persons.*

Applicant submits that similar arguments apply to independent claims 47-49 and 54 as well. That is, the Examiner has failed to establish a prima facie case of obviousness with regard to independent claims 47-49 and 54 for similar reasons as outlined above with regard to independent claim 2.

In addition, independent Claims 2, 47 to 49 and 54 offer the following advantages:

As a privacy protection method for the case that an RFID is transmitted from an REID tag affixed to an already purchased article of a consumer, a method making the RFID tag to transmit random pseudo RFIDs is conceivable. In this case, pseudo RFIDs, different every time, are transmitted in response to RFID transmission requests from a tag reader, whereby the privacy only of consumers possessing an RFID tag equipped with such a function can be protected. On the other hand, the privacy of consumers not possessing an RFID tag equipped with such a function, i.e., consumers possessing an already purchased article to which a normal REID tag is affixed, can not be protected.

The inventions in the independent claims 2, 47 to 49 and 54 are intended to protect also the privacy of the aforementioned consumers not possessing an RFID tag equipped with function to transmit pseudo RFIDs.

In case of the aforementioned consumers not possessing an RFID tag equipped with function to transmit pseudo RFIDs, a normal RFID tag transmits proper RFIDs identical every time, in response to REID transmission requests from a tag reader. Thus, the RFID read in Point A and the RFID read in Point B become identical to each other, thereby revealing that the both RFIDs are transmitted from the same person, and raising privacy issues.

This privacy issue is fundamentally caused by the fact that the RFID is the world's only unique code and the same RFID can be transmitted only from the same person.

The inventions in the independent claims 2, 47 to 49 and 54 destroyed the above-described phenomenon in which "the same RFID can be transmitted only from the same person". A certain level of spread of use of this invention in the society causes a different person identical identifier transmission phenomenon, in which identical identifiers are transmitted even in case of transmission from different persons. As a result, even if RFIDs identical every time are transmitted from an already purchased article of a consumer not possessing an RFID tag equipped with function to transmit pseudo RFIDs, and the RFID read in Point A and the RFID read in Point B become identical to each other, it is not always true that the both RFIDs are transmitted from the same person.

Consequently, it enables to protect also the privacy of consumers not possessing an RFID tag equipped with function to transmit pseudo RFIDs.

The aforementioned "different person identical identifier transmission phenomenon" is specifically referred to as "different person identical RFID transmission phenomenon". In the present application, Fig. 64 and its corresponding description of the embodiment explain this "different person identical RFID transmission phenomenon" in an understandable way.

**Independent Claim 3:**

Independent claim 3 calls for *said variable type identifier generation unit is capable of generating a common identifier according with an identifier transmitted from said privacy protection identifier transmitter possessed by a person different from persons possessing said privacy protection identifier transmitters generating and transmitting identifiers with said variable type identifier generation unit, said plurality of privacy protection identifier transmitters are classified into a plurality of groups formed by privacy protection identifier transmitters transmitting said common identifier in a higher frequency as compared with an identifier of a stranger and having said common identifier varying with groups, and said provision step specifies an area every said group and provides said privacy protection identifier transmitters belonging to said group to the personal users.*

With regard to independent claim 3, the Examiner fails to address these features and instead rejects claim 3 based on the same reasons as applied to claim 2. See page 9, the end of the first full paragraph. However, it is respectfully submitted that the features set forth in independent claim 3 are different from those set forth in independent claim 2 and must be address separately by the Examiner. Accordingly, it is submitted that the Examiner has failed to establish a *prima facie* case of obviousness since the Examiner did not adequately articulate the reasons for rejecting claim 3 based on the applied references.

**Independent Claim 4:**

Independent claim 4 calls for *said variable type identifier generation unit is capable of generating a common identifier according with an identifier transmitted from a privacy protection identifier transmitter possessed by a person different from a person possessing the privacy protection identifier transmitter generating the identifier with said variable type identifier generation unit, for simultaneously transmitting a previously set prescribed number of identifiers from a privacy protection transmitter provided to a certain personal user through said provision step, and simultaneously transmitting a plurality of identifiers of a number larger than said prescribed number from a privacy protection identifier transmitter provided to another personal user different from said certain personal user through said provision step and generating another identifier, excluding said prescribed number of identifiers, included in said plurality of identifiers as said common identifier.*

With regard to independent claim 4, the Examiner fails to address these features and instead rejects claim 4 based on the same reasons as applied to claim 2. See page 10, the end of the first full paragraph. However, it is respectfully submitted that the features set forth in independent claim 4 are different from those set forth in independent claim 2 and must be address separately by the Examiner. Accordingly, it is submitted that the Examiner has failed to establish a *prima facie* case of obviousness since the Examiner did not adequately articulate the reasons for rejecting claim 4 based on the applied references.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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